

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

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PAT & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TORBJORN ALBERTSSON and THOMAS CARLSTROM

Application No. 09/902,536

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 19, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On May 10, 2004, appellants filed an appendix to the brief. A review of the file reveals that claim 2 contains errors because it is not similar to the amendment filed September 24, 2003 and it contains underlining in the appendix to the appeal brief. The Manual of Patent Examining Procedure (MPEP) § 1206 requires the appendix of claims to be a clean copy, without underlines and brackets. Therefore, the appendix of the appeal brief is

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defective. In addition, an amendment was disclosed on page 13 of the appeal brief. This amendment is not permitted in an appeal brief. The amendment must be filed as a separate paper. Appropriate correction is required.

Also, there is no indication that the examiner considered the status on entry or non-entry of this amendment. Before further review of this file, the examiner must provide a clear indication of the disposition of this amendment.

Also, The Prior Art of Record section is missing from the examiner's answer mailed July 28, 2004. The examiner must provide the Prior Art of Record section and the listing of references in a revised examiner's answer.

Finally, on August 18, 2005, the examiner filed a response with an incorrect date of December 29, 2004 to the reply brief. The correct date of the reply brief is a filing date of February 28, 2005. Appropriate correction is required.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) correction to the appendix of the appeal brief to claim 2; 2) request to appellants to file the amendment disclosed on page 13 as a separate paper; 3) response to the amendment after appropriate filing; 4) entry of the Prior Art of Record section in a revised examiner's answer; 5) correction to

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the reply brief date in the response mailed August 18, 2005; and
6) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES
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